

**NOTICE OF INTENT TO ADOPT
MITIGATED NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Mitigated Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

PROJECT TITLE:

Application for a General Plan Amendment, Rezone, Special Development Permit and Tentative Map filed by Michael Abdollahi.

PROJECT DESCRIPTION AND LOCATION (APN):

Michael Abdollahi [Applicant] **John & Jean Oliver and Ken & Katherine Otwell** [Owners]: Application for related proposals on a 36,154 square foot site located at **612 & 616 East Ahwanee Avenue** in an R-2/PD (Low Medium Density Residential/Planned Development) Zoning District.

- **General Plan Amendment** from Low Medium Density Residential to Medium Density Residential;
- **Rezone** from R-2/PD (Low Medium Density Residential/Planned Development) Zoning District to R-3/PD (Medium Density Residential/Planned Development) Zoning District;
- **Special Development Permit** to allow the development of 17 town homes, and
- **Tentative Map** to subdivide two lots into 17 lots and one common lot.

WHERE TO VIEW THIS DOCUMENT:

The **Mitigated Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Mitigated Negative Declaration** may be protested in writing by any person prior to **5:00 p.m. on Tuesday, May 4, 2004**. Such protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Mitigated Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, May 10, 2004 at 8:00 p.m. by the Planning Commission in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale; and on,

Tuesday, June 15, 2004 at 7:30 p.m. by the City Council in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On April 14, 2004

Signed: _____
Gerri Caruso, Principal Planner

MITIGATED NEGATIVE DECLARATION

This **Mitigated Negative Declaration** has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

PROJECT TITLE:

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- **Special Development Permit** to allow the development of 17 town homes, and
- **Tentative Map** to subdivide two lots into 17 lots and one common lot.

FINDINGS:

The Director of Community Development of the City of Sunnyvale, California, hereby determines that an environmental impact report is not required. There are sufficient environmental controls incorporated into the Zoning and Subdivision regulations as to ensure no significant detrimental effect by any proposed use, in the case of a PD overlay or any application for a Special Development Permit.

The above determination is based upon the initial study conducted in this matter; information provided by the applicant in an "Application for Environmental Clearance" and is based on the fact that the use is in keeping with and not in conflict with the adopted General Plan, Zoning Ordinance and Subdivision Ordinance. Site and architectural control will be exercised over the proposed development by the Planning Commission and City Council. No endangered species are known to depend on this site for habitat.

MITIGATIONS:

WHAT:

1. Construct an 8 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 15, 16, and 17. The patio fence height is in reference to the nearest patio pad elevation.
2. Construct an 7 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 12, 13, and 14. The patio fence height is in reference to the nearest patio pad elevation.
3. Construct a 6 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 1-5 and at Units 6-11. The patio fence height is in reference to the nearest patio pad elevation.
4. The patio fences shall be made air-tight in order to be acoustically-effective. The fence shall have a minimum surface weight of 2.5 lbs per sq. ft. Noise control barriers must be constructed so that all joints, including connections with posts, pilasters or the building shell are sealed air-tight and no openings are permitted between the upper barrier components and the patio pad.

WHEN:

All improvements shall be completed prior to occupancy of the building.

WHO:

The developer is responsible for completing all of the above mitigation measures.

HOW:

These measures shall be clearly marked and demonstrated in the plans submitted for building permits.

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday, May 4, 2004**. Such protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Mitigated Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

Circulated On April 14, 2004

Signed: _____
Gerri Caruso, Principal Planner

Adopted On _____

Verified: _____
Gerri Caruso, Principal Planner

California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE/LOCATION (INCLUDE COUNTY):

The General Plan Amendment, Rezone, Special Development Permit and Tentative Map are located on **612 & 616 East Ahwanee Avenue**, City of Sunnyvale, and County of Santa Clara in an R-2/PD (Low Medium Density Residential/Planned Development) Zoning District. (APN: 205-02-007, 008)

PROJECT DESCRIPTION:

Michael Abdollahi [Applicant] **John & Jean Oliver and Ken & Katherine Otwell** [Owners]: Application for related proposals on a 36,154 square foot site located at **612 & 616 East Ahwanee Avenue** in an R-2/PD (Low Medium Density Residential/Planned Development) Zoning District.

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- **Rezone** from R-2/PD (Low Medium Density Residential/Planned Development) Zoning District to R-3/PD (Medium Density Residential/Planned Development) Zoning District;
- **Special Development Permit** to allow the development of 17 town homes, and
- **Tentative Map** to subdivide two lots into 17 lots and one common lot.

FINDINGS OF EXEMPTION:

1. This project is in an urban setting.
2. There is no alteration of land or effect on fish or wildlife.

CERTIFICATION:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Gerri Caruso

Title: Principal Planner, Community Development

Lead Agency: City of Sunnyvale

Date: April 14, 2004

City of Sunnyvale
Department of Community Development
Planning Division
P.O.Box 3707
Sunnyvale, CA 94088-3707

INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM
Appendix G, CEQA Guidelines

Project #: 2004-0258 GPA, RZ, SDP, and TM
Project Address: 612 & 616 Ahwanee Avenue
Applicant: Rockwell Homes Inc.

1. Project Title: Seventeen Townhouses at 612 & 616 Ahwanee Avenue
2. Lead Agency Name and Address: City of Sunnyvale, Community Development Department, Planning Division
3. Contact Person and Phone Number: Ryan M. Kuchenig
4. Project Location: 612 & 616 Ahwanee Avenue
5. Project Sponsor's Name and Address: Rockwell Homes, Inc. – 1202 Meridian Avenue, San Jose, CA 95125
6. General Plan Designation: Residential Low-Medium Density (Proposed-Residential Medium Density)
7. Zoning: R-2/PD (Proposed R-3/PD)
8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. (Attach additional sheets if necessary))

The applicant proposes seventeen townhouses on a 35,153 s.f lot for a density of 21 du/acre. The proposed development will be three stories in height. The two bedroom units will include one-car garages.

This project requires a four-part application: a General Plan Amendment from Residential Low-Medium Density to Residential Medium Density, Re-Zone from R-3 to R-3/PD, a Special Development Permit for the construction of the townhouse units and a tentative map to subdivide two lots into 17 lots with one common lot. The site is currently developed with two single family houses.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)
North: Townhouses
South: Apartments
East: Townhouses
West: Mobile Home Park
Surrounding Zoning and Uses of the area include a mixture of residential used. Townhouse are located north and east of the site and higher density condominiums are located to the south. A residential mobile home park is locate west of the site across Fair Oaks Avenue.
10. Other public agencies whose approval is required (e.g. permits, Building Safety Division
Public Works Department

City of Sunnyvale
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financing approval, or participation
agreement).

Project #:
Project Address:
Applicant:

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ENVIRONMENTAL CHECKLIST FORM**
Appendix G, CEQA Guidelines
2004-0258 GPA, RZ, SDP, and TM
612 & 616 Ahwanee Avenue
Rockwell Homes Inc.

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Project #: 2004-0258 GPA, RZ, SDP and TM

Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="radio"/> Aesthetics	<input type="radio"/> Hazards & Hazardous Materials	<input type="radio"/> Public Services
<input type="radio"/> Agricultural Resources	<input type="radio"/> Hydrology/Water Quality	<input type="radio"/> Recreation
<input type="radio"/> Air Quality	<input type="radio"/> Land Use/Planning	<input type="radio"/> Transportation/Traffic
<input type="radio"/> Biological Resources	<input type="radio"/> Mineral Resources	<input type="radio"/> Utilities/Service Systems
<input type="radio"/> Cultural Resources	<input checked="" type="radio"/> Noise	<input type="radio"/> Mandatory Findings of Significance
<input type="radio"/> Geology/Soils	<input type="radio"/> Population/Housing	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. x

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. 0

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. 0

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. 0

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. 0

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Project #: 2004-0258 GPA, RZ, SDP and TM

Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

Signature

Date

Ryan M.
Kuchenig

Printed Name

City of

Sunnyvale

For (Lead Agency)

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

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Project Address: 612 & 616 Ahwanee Avenue _____
Applicant: Rockwell Homes, Inc. _____

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

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Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (4 of 8)

I. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?	0	0	0	X	2, 94
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	0	0	0	X	2, 94
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	0	0	0	X	2, 94, 101
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	0	0	0	X	2, 94

II. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?	0	0	0	X	3, 94, 100, 111
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	0	0	0	X	3, 97, 100, 111
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	0	0	0	X	3, 96, 97, 100, 111
d. Expose sensitive receptors to substantial pollutant concentrations?	0	0	0	X	62, 63, 111, 112

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Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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e. Create objectionable odors affecting a substantial number of people?	0	0	0	X	111, 112
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Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (5 of 8)

III. BIOLOGICAL RESOURCES:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	0	0	0	X	2, 94, 111, 112, 109
b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	0	0	0	X	2, 94, 111, 112, 109
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	0	0	0	X	2, 94, 111, 112, 109
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	0	0	0	X	2, 94, 111, 112, 109
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	0	0	0	X	2, 94, 111, 112, 109
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	0	0	0	X	41, 94, 111, 112,

IV. CULTURAL RESOURCES. Would the project:

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Applicant: Rockwell Homes, Inc. _____

- | | | | | | | |
|----|--|---|---|---|---|------------------------|
| a. | Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | 0 | 0 | 0 | X | 10, 42, 60, 61 94, 111 |
| b. | Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5? | 0 | 0 | 0 | X | 10, 42, 94 |

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Project #: 2004-0258 GPA, RZ, SDP and TM

Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Planning Division Checklist (6 of 8)

c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	0	0	0	X	10, 42, 94, 111
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d.	Disturb any human remains, including those interred outside of formal cemeteries?	0	0	0	X	2, 111, 112
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V. LAND USE AND PLANNING. Would the project:

a.	Physically divide an established community?	0	0	0	X	2, 11, 12, 21, 28
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b.	Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	0	0	0	X	31, 28 111,
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c.	Conflict with any applicable habitat conservation plan or natural communities conservation plan?	0	0	0	X	2, 41, 94, 111
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VI. MINERAL RESOURCES. Would the project:

a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	0	0	0	X	2, 94
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b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	0	0	0	X	2, 94
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VII. NOISE. Would the project result in:

a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	0	X	0	0	Discussion at end of checklist
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Applicant: Rockwell Homes, Inc.

b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	0	0	0	X	2, 16, 26, 94, 111, 112
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	0	0	0	X	2, 16, 26, 94, 111, 112

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

Planning Division Checklist (7 of 8)

d.	A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	0	0	X	0	Discussion at end of checklist
e.	For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	0	0	0	X	2, 16, 94, 11, 112, 113
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	0	0	0	X	2, 16, 94, 111, 112

VIII. POPULATION AND HOUSING. Would the project:

a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	0	0	X	0	Discussion at end of checklist
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	0	0	0	X	2, 11, 111, 112

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Applicant: Rockwell Homes, Inc.

- | | | | | | | |
|----|--|---|---|---|---|-----------------|
| c. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | 0 | 0 | 0 | X | 2, 11, 111, 112 |
|----|--|---|---|---|---|-----------------|

IX. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | | | |
|----|--------------------------|---|---|---|---|-------------|
| a. | Schools? | 0 | 0 | 0 | X | 2, 111, 112 |
| b. | Other public facilities? | 0 | 0 | 0 | X | 2, 111, 112 |

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

Planning Division Checklist (8 of 8)

X. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | | | |
|----|--|---|---|---|---|-------------------------------------|
| a. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | 0 | 0 | 0 | X | 2, 10, 26, 42, 59, 60, 61, 111, 112 |
|----|--|---|---|---|---|-------------------------------------|

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Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

- | | | | | | | |
|----|---|---|---|---|---|----------------|
| b. | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)? | 0 | 0 | 0 | X | 1, 2, 111, 112 |
| c. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | 0 | 0 | 0 | X | 111, 112 |

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Project #: 2004-0258 GPA, RZ, SDP and TM

Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Building & Safety Division Checklist (1 of 1)

XI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

(i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	0	0	0	X	<u>UBC.</u> <u>UDC.</u> <u>UNC.</u> <u>NEC</u>
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(ii)	Strong seismic ground shaking?	0	0	0	X	"
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(iii)	Seismic-related ground failure, including liquefaction?	0	0	0	X	"
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(iv)	Landslides?	0	0	0	X	"
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b)	Result in substantial soil erosion or the loss of topsoil?	0	0	0	X	"
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c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	0	0	0	X	"
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d)	Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?	0	0	0	X	"
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e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	0	0	0	X	"
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INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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Project Address: 612 & 616 Ahwanee Avenue

Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Public Works Department Checklist (1 of 1)

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	0	0	0	X	2, 20, 24, 87, 88, 89, 90, 111, 112
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	0	0	0	X	2, 20, 24, 87, 88, 89, 90, 111, 112
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	0	0	0	X	2, 20, 24, 87, 88, 89, 90, 111, 112
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	0	0	0	X	2, 20, 24, 87, 88, 89, 90, 111, 112
e) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	0	0	0	X	2, 20, 24, 87, 88, 89, 90, 111, 112
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	0	0	0	X	2, 22, 90, 111, 112

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Applicant: Rockwell Homes, Inc.

- | | | | | | |
|---|---|---|---|---|------------------------------|
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | 0 | 0 | 0 | X | 2, 22,
90,
111,
112 |
|---|---|---|---|---|------------------------------|

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

Traffic Division Public Works Department Checklist (1 of 1)

XIII. TRANSPORTATION/TRAFFIC. Would the project:

- | | | | | | |
|--|---|---|---|---|--|
| a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | 0 | 0 | 0 | X | 2, 12,
71, 75,
76, 77,
111,
112 |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | 0 | 0 | 0 | X | 2, 71,
75, 76,
77, 80,
84,
111,
112 |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | 0 | 0 | 0 | X | 2, 111,
112,
113 |
| d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | 0 | 0 | 0 | X | 2, 12,
71, 75,
76, 77,
80, 84,
111,
112 |
| e) Result in inadequate emergency access? | 0 | 0 | 0 | X | 2, 111,
112, |
| f) Result in inadequate parking capacity? | 0 | 0 | 0 | X | 37,
111, |

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g)	Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	0	0	0	X	2, 12, 81, 111, 112
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Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Fire Division Public Safety Department Checklist (1 of 2)

XIV. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	0	0	0	X	<u>UFC/UB</u> <u>C/SVMC</u>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	0	0	0	X	<u>UFC/UB</u> <u>C/SVMC</u>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	0	0	0	X	<u>UFC/UB</u> <u>C/SVMC</u>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	0	0	0	X	<u>UFC/UB</u> <u>C/SVMC</u>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	0	0	0	X	<u>UFC/UB</u> <u>C/SVMC</u>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	0	0	0	X	<u>UFC/UB</u> <u>C/SVMC</u>
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	0	0	0	X	<u>UFC/UB</u> <u>C/SVMC</u>

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- | | | | | | | |
|----|---|---|---|---|---|--------------------------------|
| h) | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | 0 | 0 | 0 | X | <u>UFC/UB</u>
<u>C/SVMC</u> |
|----|---|---|---|---|---|--------------------------------|

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

Fire Division Public Safety Department Checklist (2 of 2)

XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | | | |
|----|------------------|---|---|---|---|---|
| a) | Fire protection? | 0 | 0 | 0 | X | <u>UFC/U</u>
<u>BC/SV</u>
<u>MC</u> |
|----|------------------|---|---|---|---|---|

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Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

Crime Division Public Safety Department Checklist (1 of 1)

XVI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Police protection?	0	0	0	X	26, 65, 66, 103, 104
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Applicant: Rockwell Homes, Inc.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Parks & Recreation Department Checklist (1 of 1)

XVII. RECREATION

- | | | | | | | |
|----|--|---|---|---|---|-----------------|
| a) | Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | 0 | 0 | 0 | X | 2, 18, 111, 112 |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | 0 | 0 | 0 | X | 2, 18, 111, 112 |

XVIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | | | |
|----|--------|---|---|---|---|-----------------|
| a) | Parks? | 0 | 0 | 0 | X | 2, 18, 111, 112 |
|----|--------|---|---|---|---|-----------------|

Source: Open Space and Recreation Sub-elements

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Street Trees & Landscape Division Parks & Recreation Department Checklist (1 of 1)

XIX. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?

a)	Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?	0	0	0	X	94
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	0	0	0	X	94
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	0	0	0	X	94

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source
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Environmental Division Public Works Department Checklist (1 of 1)

HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?	0	0	0	X	2, 24, 25, 111, 112
b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	0	0	0	X	2, 24, 25, 111, 112
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	0	0	0	X	2, 24, 25, 111, 112
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?	0	0	0	X	2, 24, 25, 111, 112
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	0	0	0	X	2, 24, 25, 111, 112
f) Otherwise substantially degrade water quality?	0	0	0	X	2, 24, 25, 111, 112
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	0	0	0	X	2, 12, 19, 24, 111, 112
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	0	0	0	X	2, 19, 24, 111, 112

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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	0	0	0	X	2, 19, 24, 25, 111, 112
j) Inundation by seiche, tsunami, or mudflow?	0	0	0	X	2, 19, 24, 25, 111, 112

DISCUSSION

The construction and modifications associated with this project would increase the noise levels in the neighborhood. Sunnyvale Municipal Code Section 16.08.150 regulates the hours of construction in order to reduce the noise impact on surrounding properties. Construction is permitted between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturday and construction is prohibited on Sundays and national holidays. These restrictions are sufficient to reduce noise impact.

A noise study was conducted to examine the noise impacts from Highway 101 on both the interior and exterior areas of the proposed project. Traffic on Fair Oaks Avenue, the Highway off ramp and Ahwanee Avenue do not significantly affect the on-site noise environment in relation to Highway 101 noise levels.

INTERIOR NOISE LEVELS

Interior noise level must be attenuated to 45 dB DNL according to both the City's General Plan and State of California Title 24 requirements.

The following mitigation measures are proposed:

WHAT:

1. Maintain at all times all windows of living spaces. At ground floor spaces with a west, north or east orientation and at first and second floor spaces with a south orientation, install windows rated minimum Sound Transmission Class (STC) 28. Ground floor windows with a south orientation may have any type of glass.
2. At first and second floor spaces with a west, north, or east orientation, install windows rated minimum STC 32. Provide some type of mechanical ventilation. The windows specified to be maintained closed are to be operable. All other windows and all bathroom windows may have any type of glazing.
3. Sliding window panels must form an air-tight seal when in closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors must seal air-tight around the full perimeter when in closed position.

WHEN:

All improvements shall be completed prior to occupancy of the building.

WHO:

The developer is responsible for completing all of the above mitigation measures.

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HOW:

These measures shall be clearly marked and demonstrated in the plans submitted for building permits.

EXTERIOR NOISE LEVELS

The exterior noise levels exceed the 60 dB DNL standard of the City of Sunnyvale Noise Element. The existing exterior noise exposures in the most impacted patios and at the minimum setback from Highway 101 are 68 dB DNL at ground floor elevations and 72 dB DNL at first and second floor elevations. The existing exterior noise exposures in the most impacted patios and at the minimum setback from North Fair Oaks Avenue are 59 dB DNL at ground, first and second floor elevations. Traffic from North Fair Oaks Avenue does not significantly add to the on-site noise environment created by Highway 101.

The following mitigation measures are proposed:

WHAT:

5. Construct an 8 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 15, 16, and 17. The patio fence height is in reference to the nearest patio pad elevation.
6. Construct an 7 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 12, 13, and 14. The patio fence height is in reference to the nearest patio pad elevation.
7. Construct a 6 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 1-5 and at Units 6-11. The patio fence height is in reference to the nearest patio pad elevation.
8. The patio fences shall be made air-tight in order to be acoustically-effective. The fence shall have a minimum surface weight of 2.5 lbs per sq. ft. Noise control barriers must be constructed so that all joints, including connections with posts, pilasters or the building shell are sealed air-tight and no openings are permitted between the upper barrier components and the patio pad.

WHEN:

All improvements shall be completed prior to occupancy of the building.

WHO:

The developer is responsible for completing all of the above mitigation measures.

HOW:

These measures shall be clearly marked and demonstrated in the plans submitted for building permits.

DISCUSSION OF IMPACTS THAT ARE LESS THAN SIGNIFICANT

NOISE d) Although, the site is already developed, the project will introduce short-term and temporary additional sources of noise to the project area during construction. Through the City's implementation of the Municipal Code noise regulations, this impact will be lessened to a less than significant level during construction.

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POPULATION AND HOUSING (a) This project will introduce seventeen housing units where there were two single family homes. The city contains approximately 50,000 housing units, and this population increase is not substantial in relation to the existing population or adequacy of the infrastructure to support it

GEOLOGY AND SOILS (ii) and (iii) The project site is not located in an area with any active faults, but may experience strong seismic ground shaking in the event of an earthquake. Through the City's implementation of the Uniform Building Code requirements for area's with potential for seismic activity this aspect of the project will be reduced to a less than significant level.

Completed By: Ryan M. Kuchenig, Assistant
Planner

Date: April 13, 2004